THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 851 of 2006.

Jyoti Prakash Gupta, S/O Late Sri Radha Krishan Prasad, R/O Village Gangapur (Lohari) Post Narain Pur, Tehsil Kiccha, District Udham Singh Nagar presently near Jeevandeep Nursing Home, Awas Vikas Rudrapur.

…..Petitioner.

Vs.

1. Civil Judge, (Junior Division) Udham Singh Nagar.
2. Sudhir Kumar S/O Sri Ganga Sagar.
3. Anup Kumar S/O Sri Ganga Sagar.
4. Yogesh Chandra S/O Sri Ganga Sagar.
5. Ramesh Chandra S/O Sri Ganga Sagar.
6. Upendra Nath S/O Sri Ganga Sagar.
7. Ganga Sagar S/O Late Sri Raddha Krishan Prasad, All R/O Village Gangapur, Pargana Rudrapur, Tehsil Kiccha, District Udham Singh Nagar.
8. Om Prakash Srivastava, Munshi Judgi Court Rudrapur (U.S. Nagar)

….Respondents.

Sri B.P. Nautiyal & Sri H.M. Bhatia, learned counsel for the petitioner.
Sri Bhagwan Das, Brief Holder for the State-respondent no. 1.

Date September 12, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel and perused the record.

By means of this writ petition, the petitioner has prayed for issue of a direction in the nature of certiorari quashing the proceedings of Suit No. 107 of 2006 Dr. Sudhir Kumar and others Vs. Jyoti Prakash and also for quashing the order dated 27-05-2006 (Annexure No. 9) whereby ex-parte injunction order has been passed in favour of the plaintiffs fixing 10-7-2006 for objection and disposal.

It is open to the petitioner to file objections under Order 39, Rule 3 of the C.P.C. against the application for temporary injunction. If the petitioner files objections, the learned Trial Court shall decide the objection as well as the application for temporary injunction in accordance with law within fifteen days from the date of production of certified copy of the order.

With the aforesaid direction, the writ petition is disposed of finally.

(B.S. Verma,J.)

RCP